

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

TUVQIPAOUEVOO
Kevin H. Sharp

UNITED STATES OF AMERICA)

v.)

CARLOS MARIO NUNEZ-REYA)

No. 3:14-00135

KEVIN H. SHARP

U.S. District Court Judge

MOTION TO CORRECT NAME IN THE INDICTMENT

Comes now the accused, by an through Isaiah S. Gant, Assistant Federal Public Defender, and hereby requests this Court to correct the name of the accused in the indictment in this case. The indictment currently reflects the name Carlos Mario Nunez-Reya. The correct name is Carlos Mario Nunez-Reyna.

Russell v. United States, 369 U.S. 749, 770 (1962) states, it is "settled rule in the federal courts that an indictment may not be amended except by re-submission to the grand jury *unless the change is merely a matter of form.*" (Emphasis added). In the instant case, the correction would not substantively amend the indictment but merely corrects the accused's name.

Wherefore, Mr. Nunez-Reyna requests this Court to correct his name in the indictment.

Respectfully submitted,

s/ Isaiah S. Gant

ISAIAH S. GANT (BPR #025790)
Assistant Federal Public Defender
810 Broadway, Suite 200
Nashville, Tennessee 37203
615-736-5047

Attorney for Carlos Mario Nunez-Reyna

CERTIFICATE OF SERVICE

I hereby certify that on September 24, 2014, I electronically filed the foregoing Motion to Correct Name with the clerk of the court by using the CM/ECF system, which will send a Notice of Electronic Filing to the following: Matthias Daid Onderak, Assistant United States Attorney, 110 Ninth Avenue South, Suite A-961, Nashville, Tennessee 37203.

/s/ Isaiah S. Gant

Isaiah S. Gant